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## A BILL FOR AN ACT

RELATING TO RECORDATION TRANSACTION FEES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Act 120, Session Laws of Hawaii 2009, stemmed  
2 from the result of findings by the joint legislative  
3 investigative committee established pursuant to Senate  
4 Concurrent Resolution No. 226, adopted during the regular  
5 session of 2007, which identified serious shortcomings relating  
6 to the bureau of conveyances.

7           Section 16 of Act 120, Session Laws of Hawaii 2009,  
8 directed the department of land and natural resources to assess  
9 a \$5 transaction fee to be charged for each recording related to  
10 land deregistered from the land court in the bureau of  
11 conveyances and the office of the assistant registrar of the  
12 land court to support purchases of hardware, system design, and  
13 staff training related to automation of the bureau of  
14 conveyances.

15           Section 21 of Act 120, Session Laws of Hawaii 2009,  
16 stipulated that Section 16 of Act 120, Session Laws of Hawaii  
17 2009, will be repealed on the effective date of administrative



# H.B. NO. 777

1 rules adopted by the department of land and natural resources  
2 that address the establishment of a transaction fee for each  
3 recording in the bureau of conveyances and the office of the  
4 assistant registrar of the land court.

5 The purpose of this Act is to:

- 6 (1) Expand the application of the transaction fee to  
7 include all services rendered by the bureau and expand  
8 the uses of the transaction fee, authorized under Act  
9 120, Session Laws of Hawaii 2009, to include purchases  
10 of software, project management and implementation,  
11 workflow improvements, and services related to the  
12 management, staffing, archiving, preservation, and  
13 accessibility of records at the bureau of conveyances  
14 and the office of the assistant registrar of the land  
15 court; and
- 16 (2) Clarify that the transaction fee established by this  
17 Act shall be repealed on the effective date of  
18 administrative rules adopted by the department of land  
19 and natural resources that include the establishment  
20 of a transaction fee for each recording in the bureau  
21 of conveyances and in the office of the assistant



1 registrar of the land court or on July 1, 2022,  
2 whichever occurs first.

3 SECTION 2. Section 502-8, Hawaii Revised Statutes, is  
4 amended by amending subsection (c) to read as follows:

5 "(c) All moneys in excess of \$500,000 remaining on balance  
6 in the bureau of conveyances special fund on June 30 of each  
7 year shall lapse to the credit of the state general fund;  
8 provided that any balance of funds collected pursuant to section  
9 16 of Act 120, Session Laws of Hawaii 2009, as amended by  
10 section 3 of Act \_\_\_\_\_, Session Laws of Hawaii 2019, shall not  
11 lapse to the credit of the state general fund. On July 1 of  
12 each year, the director of finance is authorized to transfer any  
13 excess funds in the bureau of conveyances special fund to the  
14 state general fund."

15 SECTION 3. Act 120, Session Laws of Hawaii 2009, is  
16 amended by amending section 16 to read as follows:

17 "SECTION 16. As of July 1, 2009, the department of land  
18 and natural resources shall assess a transaction fee of \$5 to be  
19 charged for each recording in the bureau of conveyances and in  
20 the office of the assistant registrar of the land court for  
21 services rendered by the bureau of conveyances pursuant to [part



1 ~~II of]~~ chapter 501 and chapter 502, Hawaii Revised Statutes.  
2 The transaction fees collected shall be deposited to the credit  
3 of the bureau of conveyances special fund established under  
4 section 502-8, Hawaii Revised Statutes, and shall be used ~~to~~  
5 ~~support]~~ for purchases of hardware[-] and software, system  
6 design, [and] project management and implementation, staffing  
7 and staff training, workflow improvements, and services related  
8 to [automation of] the management, archiving, preservation, and  
9 accessibility of records at the bureau of conveyances[-] and in  
10 the office of the assistant registrar of the land court."

11 SECTION 4. Act 120, Session Laws of Hawaii 2009, section  
12 21, as amended by Act 119, Session Laws of Hawaii 2013, section  
13 11, is amended to read as follows:

14 "SECTION 21. This Act shall take effect on July 1, 2009;  
15 provided that section 2 of this Act shall take effect on July 1,  
16 2011; provided further that section 16 of this Act shall take  
17 effect on July 1, 2009, and shall be repealed on the effective  
18 date of administrative rules adopted by the department of land  
19 and natural resources that ~~address]~~ include the establishment  
20 of a transaction [fees] fee for each recording in the bureau of  
21 conveyances and in the office of the assistant registrar of the



# H.B. NO. 777

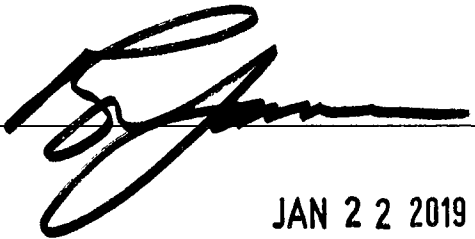
1 land court[+] or on July 1, 2022, whichever occurs first;  
 2 provided further that section 17 of this Act shall take effect  
 3 on January 1, 2012; and provided further that section 18 of this  
 4 Act shall take effect upon its approval and shall be repealed on  
 5 January 31, 2010."

6 SECTION 5. Statutory material to be repealed is bracketed  
 7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2019.

9

INTRODUCED BY:



JAN 22 2019



# H.B. NO. 777

**Report Title:**

Transaction Fee; Bureau of Conveyances; Land Court

**Description:**

Expands the uses and application of the transaction fee for filings in the Bureau of Conveyances authorized under Act 120, Session Laws of Hawaii 2009 and Land Court. Clarifies that the transaction fee shall be repealed on the effective date of the administrative rules adopted by the Department of Land and Natural Resources that include the establishment of a transaction fee or on July 1, 2022, whichever occurs first.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

